IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.590 OF 2007
a/w
Civil Application No.1083 of 2007

Dashrath Dnyanu Kadam, .. Appellant.
Vs
Sou.Ratnabai Bajrang Kadam, .. Respondent.

Mr L.S.Gaikwad, for the appellant.

CORAM : D.B.BHOSALE,J.
DATED : 22nd August, 2007

P.C.:

1. Heard learned counsel for the appellant.

2. This appeal is filed by the original defendant. A suit was filed by the respondent for redemption of mortgage which has been decreed by the courts below concurrently holding that the plaintiff is entitled to claim redemption of the suit property. Mr Gaikwad, learned counsel for the appellant, advanced only one submission and contended that the suit filed by the plaintiff for redemption of mortgage is barred by limitation. Both the courts below have considered the point of limitation in proper perspective. The appellate court in paragraph 14 of the judgment has considered the submissions of the appellant that the suit ought to have been filed within ten years from the date of mortgage. I find absolutely no error in the findings recorded by the courts below on the point of limitation. The findings of facts are entirely based on evidence on record. No substantial question of law

is raised in the appeal. The second appeal is dismissed. As a consequence thereof, the civil application stands disposed of.

(D.B.BHOSALE,J.)